

REMARKS

This Response is submitted in reply to the Non-final Office Action dated September 8, 2009. Claims 1, 3 to 8, 12 to 16 and 18 are amended for clarity. No new matter has been added by these amendments. Claims 19, 24, 28 to 30 and 55 have been canceled. A Supplemental Information Disclosure Statement is submitted herewith. Please charge deposit account 02-1818 for the Supplemental Information Disclosure Statement and any other fees due in connection with this Response.

The Office Action rejected Claims 1 to 18, 20 and 21 under 35 U.S.C § 101 for being directed to non-statutory subject matter. Specifically, the Office Action rejected method Claims 1 to 18 and 20 to 21 for not transforming underlying subject matter to another state or thing, or for failing to tie the method claims to a specific machine.

Amended independent Claim 1 is directed to a method of operating a gaming system including a plurality of instructions, the method including, among other elements, a) causing at least one display device to display a streak game; (b) causing the at least one display device to display a first streak area associated with the streak game, the first streak area having a first quantity of advancement levels associated with a first streak condition; (c) causing the at least one display device to indicate a first opportunity for a player to place a plurality of first streak wagers associated with the first streak condition; (d) causing the at least one display device to display a second streak area associated with the streak game, the second streak area having a second quantity of advancement levels associated with a second, different streak condition; (e) causing the at least one display device to indicate a second opportunity for said player to place a plurality of second streak wagers associated with the second, different, streak condition; (f) receiving an input from said player corresponding to at least one of the first streak wagers and the second streak wagers; (g) causing at least one processor to execute the plurality of instructions to start the streak game for said player after the input is received; (h) causing the at least one display device to display a plurality of consecutive rounds of the streak game for said player; (i) causing the at least one processor to execute the plurality of instructions to simultaneously track whether the first and second streak conditions are satisfied for said player.

Similarly, amended independent Claim 18 is directed to a method of operating a gaming system including a plurality of instructions, the method including, among other elements, (a) providing a first player with an opportunity to play a base game; (b) receiving at least one game wager from the first player for a play of the base game; (c) receiving a plurality of side wagers from the first player for a play of a streak game, the plurality of side wagers including: (i) a first one of the side wagers associated with a first streak condition, the first streak condition requiring a plurality of identical first outcomes, and (ii) a second one of the side wagers associated with a different, second streak condition, the second streak condition requiring a plurality of identical second outcomes; (d) causing at least one processor to execute the plurality of instructions to start the base game after at least one of the plurality of side wagers is received from the first player; (e) enabling a plurality of consecutive plays of the base game by the first player; (f) causing at least one display device to display a first play of the base game for the first player, the first play being one of the plurality of consecutive plays of the base game.

Applicant respectfully submits that the method of operating a gaming system of each of amended independent Claims 1 and 18 is tied to a particular machine such as, the at least one display device and the at least one processor that executes a plurality of instructions, and as such, is directed to statutory subject matter. For at least this reason, Applicant respectfully submits that the method of operating a gaming system of each of amended independent Claims 1 and 18 (and dependent Claims 2 to 17 and 20 to 21) comply with 35 U.S.C § 101. Accordingly, Applicant respectfully requests that the rejection to Claims 1 to 18, 20 and 21 under 35 U.S.C § 101 be reconsidered and withdrawn.

Applicant notes that the Office Action did not make any other rejections of Claims 1 to 18, 20 to 23, 25 to 27 and 31 to 65. Accordingly, Applicant presumes that Claims 1 to 18, 20 to 23, 25 to 27 and 31 to 65 will be allowable if the rejection under 35 U.S.C. § 101 is overcome.

An earnest endeavor has been made to place this application in condition for formal allowance and is courteously solicited. If the Examiner has any questions

regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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